REMARKS

This application has been reviewed in light of the Final Office Action dated August 31, 2005. Claims 1-3 are pending with claims 4-11 being previously cancelled. Applicant hereby amends Claim 1 and respectfully submits that the amendment, in light of the following remarks, overcome the Examiner's rejections of Claims 1-3.

In the Final Office Action, the Examiner rejected Claims 1-3 as anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,189,033 to Jin et al. ("the Jin Patent"). Applicant respectfully submits that the currently amended Claim 1 and original Claims 2 and 3, as dependant claims of Claim 1 are patentably distinguishable from the Jin patent. Claim 1 as amended herewith now recites "grouping at least one of said plurality of back-end servers into a respective one of a plurality of service classes based upon an adaptive policy engine." Claim 1 also is amended to recite that the load of each of the back-end servers in the selected service class results in "dynamically reconfiguring said adaptive policy engine."

The currently amended Claim 1 is patentably distinct from the Jin patent as Jin teaches "an access processing system 100 [that] employs <u>a predetermined or pre-configured admission control policy</u> for each of its content sites 108-108n". Col. 6, ll. 59-62 (emphasis added). The admission control policy of the Jin patent is predetermined or preconfigured. The Jin patent does not disclose an <u>adaptive</u> policy engine that <u>dynamically</u> changes the allocation of requests to the content sites. Nor does the Jin reference disclose or suggest adapting the classes of content sites based upon the load of the system. In Jin, all of the criteria upon which the access processing system is based

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and all classes of content sites are static and predetermined at the time of defining the admission control policy. The Jin disclosure makes this distinction very clear in that, among other things, it mentions "the predetermined admission control policy," Col. 10, ll. 1-2; "a predetermined threshold value," Col 10, l. 12; "the predetermined best effort criteria," Col. 10, l. 39; and "the predetermined depth threshold," Col. 10, l. 48-49. The Jin patent does not teach a system in which the admission criteria or the classes of content sites themselves change based upon an adaptive policy engine as Applicants particularly disclose and claim.
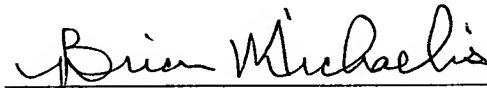
Applicants respectfully submit that the dynamic and adaptable nature of the present application, as reflected in Claim 1 and supported in the specification, patentably distinguishes the Jin patent. Applicants also submit that Claim 2 and Claim 3 are patentably distinguishable from Jin as they are dependent from currently amended Claim 1.

CONCLUSION

In light of the above discussion, Applicants respectfully request reconsideration
and allowance of this application. If any points remain in issue which the Examiner feels
may best be resolved through a telephone interview, it is requested that the Examiner
contact the undersigned at the telephone number listed below.

Respectfully submitted,

Dated: *February 27, 2006*

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